

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Abraham LOPEZ

Case No.

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 26, 2018 in the county of Webb in the
Southern District of Texas, the defendant(s) violated:

Code Section

8 USC 1324

Offense Description

Did unlawfully transport, attempt to transport, and conspire to transport 11 undocumented alien(s) by means of transportation and otherwise within the Southern District of Texas, knowing or in reckless disregard of the fact that said alien(s) had come to, entered, or remained in the United States in violation of law, and transported or moved or attempted to transport or move or conspired to transport or move said alien(s) within the United States by means of transportation or otherwise in furtherance of such violation of law;

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet./S/Ronald A. Dejean III*Complainant's signature*Ronald A. Dejean III, Border Patrol Agent*Printed name and title*

Sworn to before me and signed in my presence.

Date: September 28, 2018*Judge's signature*City and state: Laredo, TexasSam Sheldon, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

In support of Criminal Complaint

**UNITED STATES OF AMERICA
V.**

CRIMINAL COMPLAINT

Abraham LOPEZ

Case Number:

1. On September 26, 2018, Border Patrol Agents (BPA) were assigned to sensor response duties in the ranches north of Laredo, Texas near Interstate Highway 35. At approximately 2:00 a.m., Laredo North Border Patrol Agents (BPAs) were advised of sensor activity east of Interstate 35. National Guard Aircraft Boise 54 responded to the area and advised that they had visual of twelve subjects. BPAs responded and encountered twelve subjects hiding. Eleven of the subjects were immediately apprehended. One subject attempted to flee on foot, but was apprehended after a brief foot chase. An immigration inspection on ten of the subjects claimed to be citizens of Mexico who had illegally entered the United States. One of the subjects claimed to be a citizen of Argentina who had illegally entered the United States. The last subject, later identified as Abraham Lopez, stated that he did not know where he was from, and that they would find out soon enough. BPA observed that Lopez was laying on top of a Garmin Global Positioning System (GPS). All subjects were placed under arrest and transported to the United States Border Patrol Checkpoint on Interstate 35 for further investigation and the identification of the subject who failed to produce his citizenship.
2. Due to LOPEZ's possession of the GPS device, his lack of cooperation in providing his citizenship, his subsequent identification as a United States citizen, his voluntary statement to being in "the system" for "the same thing," and his criminal history, Abraham LOPEZ will be held for prosecution by the United States Border Patrol as a brush guide. Abraham LOPEZ was advised that he was under arrest for 8 USC 1324 Alien Smuggling. He was advised of his Miranda Rights by BPA's. LOPEZ acknowledged his rights and invoked his attorney rights before any further questioning.
3. Mauro NORIEGA-Hugo, an Argentina National, and Jose Francisco JUAN-Zacarias, a Mexican National, were willing to give sworn testimony identifying Abraham LOPEZ as the brush guide for the group and the driver of the black pick-up. NORIEGA-Hugo and JUAN-Zacarias were able to positively identify LOPEZ via six-pack photo lineup.
4. NORIEGA-Hugo stated he made arrangements with Abraham Lopez in Mexico to be smuggled into the United States and paid him \$500 USD. LOPEZ guided the group across the Rio Grande River. LOPEZ returned in a black pick-up truck and drove them north until the truck got stuck on a ranch road. NORIEGA-Hugo stated that LOPEZ exited the truck to cut the chains at ranch gates with bolt cutters. After getting stuck, LOPEZ instructed the group to get out of the truck and start walking. LOPEZ led them from the front of group until they were found and arrested.
5. JUAN-Zacarias stated he encounter Abraham LOPEZ in a black pick-up truck at a house in the U.S. LOPEZ instructed JUAN-Zacarias and the group to get in the truck and drove until the truck got stuck. LOPEZ then instructed the group to get out of the truck and start walking until they were apprehended.

SUBSCRIBED and SWORN to before me this _____ day of _____.

Signature of Judicial Officer

Signature of Complaint